

Section #

Serial No. 09/820,320
Attorney Docket No. 1304-1-019CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Henry E. Young; et al. Art Unit: 1633
Application No.: 09/820,320 Examiner: Unassigned
Filed: March 28, 2001
For: PLURIPOTENT EMBRYONIC-LIKE STEM CELLS,
COMPOSITIONS, METHODS AND USES THEREOF

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Christine E. Dietzel, Reg. No. 37,309
(Name of Registered Rep.)

Barker Stuart 8/16/01
(Signature and Date)

**PETITION AND RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION REGARDING OMITTED ITEM(S) AND
REQUEST FOR INCLUSION OF OMITTED ITEMS(S)**

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 27, 2001, wherein it is noted and asserted that Page 35 of the Specification appears to have been omitted from the Application. Applicants hereby petition the Commissioner regarding said Notice and said asserted omitted item(s). This petition is accompanied by the required fee under 37 C.F.R. 1.17(i).

Applicants submit that the asserted omitted item, specifically Page 35, was filed and deposited with the U.S. Patent and Trademark Office with the nonprovisional application papers and request that the above-referenced nonprovisional application be recognized as complete, including Page 35, as of the filing date of March 28, 2001.

On March 28, 2001 Applicants filed the above-referenced Continuation-in-Part Application via Express Mail EL 758522693, as evidenced by the enclosed copy of the stamped receipt postcard. The filing papers included and noted in the postcard were as follows: Transmittal Sheet/Cover Letter; Application for Patent 307 pages; Unexecuted Declaration; Drawings 80; Sheets 80.

As is customary and standard practice in the office of Applicants' representative in filing an Application, at least one copy of the Application and its associated drawings were made in preparation for filing the Application. The transmittal sheet was prepared and finalized, a postcard prepared, and the transmittal, Application, drawings and postcard mailed by Express Mail to the U.S.P.T.O. The file copy was set aside and then utilized to make several copies to mail to the client and inventors. The copies were mailed to the client and inventors and the file copy placed in Applicants' representative's file designated 1304-1-019CIP1. Applicants' representatives have reviewed their file designated 1304-1-019CIP1, as well as an additional extra copy of the Specification in our files and note that the entire Specification, including the

asserted omitted Page 35, are present in our file copy and extra copy. A copy of our file copy of Pages 1-40 of the Specification, including Page 35, is enclosed herewith.

Applicants further point out that the text of Page 35 of the Specification relates to and particularly provides a Brief Description of the Drawings, specifically a description of Figures 39-48. Each of Figures 1-80, including Figures 39-48, were provided with the Specification and filed on March 28, 2001, as clearly indicated by the attached stamped receipt postcard and the U.S.P.T.O. filing receipt, which correctly indicates 80 drawings. Figures 1 through 44 and their textual description are included in the Application from which this instant Application claims priority, specifically U.S.S. N. 09/668,508 filed September 22, 2000. The text on Page 35 relating to Figures 45-48 is merely descriptive of that which is provided in the Figures and more particularly detailed in the description, particularly in Example 19 at Pages 264-266 of the Specification. Therefore, in the alternative, Applicants request that the text of Page 35 as attached hereto be entered in the Specification, by amendment or otherwise, as it is merely descriptive and is not new matter.

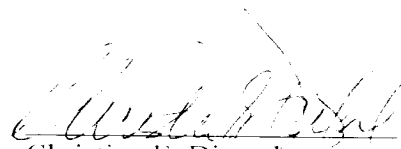
Applicants hereby request and petition that the instant Application be accorded the filing date of March 28, 2001 as a full and complete Application, having all pages of the Specification 1-307, including Page 35. Such request is made by virtue of the above and attached noted facts and evidence that Applicants believe that upon filing on March 28, 2001, the instant Application was mailed to the U.S.P.T.O. with all pages of the Specification, including Page 35.

Alternatively, Applicants request that the text of Page 35 be entered, by Amendment or otherwise, to the Specification in that it does not constitute new matter.

Respectfully submitted,

KLAUBER & JACKSON

By:



Christine E. Dietzel

Registration No. 37,309

Date: 8/1/01

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